

**COMMONWEALTH OF KENTUCKY**

**BEFORE THE PUBLIC SERVICE COMMISSION**

**In the Matter of:**

**THE JOINT PETITION OF KENTUCKY- )  
AMERICAN WATER COMPANY, THAMES )  
WATER AQUA HOLDINGS GMBH, RWE )  
AKTIENGESELLSCHAFT, THAMES )  
WATER AQUA US HOLDINGS, INC., ) **CASE NO. 2006-00197**  
AND AMERICAN WATER WORKS )  
COMPANY, INC. FOR APPROVAL OF A )  
CHANGE IN CONTROL OF KENTUCKY- )  
AMERICAN WATER COMPANY )**

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**PETITIONERS' MOTION FOR  
REMOVAL OF PAGES FROM WEBSITE**

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Kentucky-American Water Company (“KAWC”), Thames Water Aqua Holdings GmbH (“Thames”), RWE Aktiengesellschaft (“RWE”), Thames Water Aqua US Holdings, Inc. (“TWUS”) and American Water Works Company, Inc. (“AWWC”) (collectively the “Petitioners”) move the Kentucky Public Service Commission (“Commission”) to remove from its publicly available website six pages of a document previously filed in this matter. In support of this motion, Petitioners state as follows:

1. In the Commission Staff’s June 27, 2006 First Request for Information, in Item No. 15(b), the Commission Staff requested Petitioners to provide all materials regarding the public stock offering that were submitted to credit rating agencies.
2. In Petitioners’ July 11, 2006 response to Item No. 15(b), they provided materials that were provided to Standard & Poor’s and Moody’s Investors Services. Those materials were provided as one combined .pdf file with the Commission-

prescribed naming convention KAW\_R\_1STAFFDR\_15B\_ATT\_071106.pdf. The combined document is 67 pages long.

3. When Petitioners filed the document in question, they inadvertently failed to remove or otherwise seek confidential protection for six pages of that document that do, in fact, contain commercially sensitive and confidential information. The information on page 16 and pages 26 – 30 is information that is exempt from disclosure pursuant to the Kentucky Open Records Act (KRS 61.878(1)(c)) because it is commercial information that permits an unfair advantage to competitors of RWE.

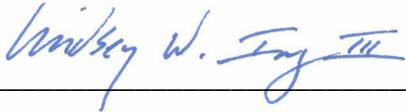
4. Page 16 and pages 26 – 30 contain information about RWE's future business plans, capital investment and expectations. This information, which is easily accessible while on the Commission's publicly available website, could be used by RWE's business competitors to RWE's disadvantage. Therefore, Petitioners seek removal of those six pages from the Commission's website.

5. Since it has been some time since the document in question was filed and served without a corresponding request for protection of the six pages in question, Petitioners do not seek blanket confidential protection of the six pages which would include removal of the pages from the publicly available paper file at the Commission and retraction of the pages from the parties in this case. However, due to the easy access of these pages that is afforded to RWE's competitors (located principally in Europe) by virtue of the document being on the Commission's website, Petitioners only seek removal of the pages in question from the Commission's publicly available website.

**WHEREFORE**, Petitioners respectfully request the Commission to order the removal of pages 16 and 26 – 30 of KAW\_R\_1STAFFDR\_15B\_ATT\_071106.pdf from the Commission's website.

Respectfully submitted,

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American Water Works Company, Inc., and  
Kentucky-American Water Company

**CERTIFICATION**

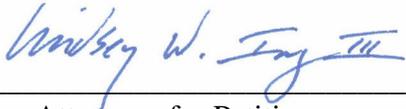
This is to certify that a true and accurate copy of the foregoing has been electronically transmitted to the Public Service Commission on September 13, 2006; that the Public Service Commission and other parties participating by electronic means have been notified of such electronic transmission; that, on September 13, 2006, the original and one (1) copy in paper medium will be hand-delivered to the Public Service Commission, 211 Sower Boulevard, Frankfort, Kentucky 40601; and that on September 13, 2006, one (1) copy in paper medium will be served upon the following via U.S. Mail:

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